

BOROUGH OF ELMWOOD PARK
WORK MEETING
August 6, 2015
7:00 p.m.

The Work Meeting of the Elmwood Park Mayor and Council for August 6, 2015 was called to order by Municipal Clerk Keith Kazmark at 8:00 p.m. The Statement of Compliance was read.

Whereas, Chapter 231 of the Public Laws of the State of New Jersey requires at the commencement of every meeting a Statement of Compliance be read by the presiding officer.

Now, Therefore Be Advised that the meeting requirements for this meeting have been met by the publishing an annual notice in The Record of Hackensack and Herald News of Woodland Park and by posting such notice in the office of the Borough Clerk as well as in a public place within the Municipal Building and by notifying interested citizens. Said notice was posted on January 1, 2015.

Mr. Kazmark noted that the revised time for the meeting was sent to the newspaper and posted on July 28, 2015.

Council Members Colletti, Martino, Pettigano, Vuoncino and Caramagna were present. Also present were Mayor Mola, Borough Clerk Keith Kazmark, Borough Attorney Giuseppe Randazzo, and Borough Engineer Nordan Murphy. Council President Dombrowski was absent due to vacation.

Public Hearing: Tom Conboy, Tuella Avenue inquired about the Mayor and Council budgeting or setting aside money for the 100th Anniversary Celebration next year.

Work Meeting Agenda Items:

1 – ENGINEERING REPORT:

- a. **Monthly Status Report** – Mr. Murphy reported that that the striping at Route 46 and Boulevard will be done by the DOT at the end of August or early September. Mr. Murphy reported that we are waiting to hear from the County CDBG office and this will likely be a Spring 2016 project. Mr. Murphy discussed the PSE&G Energy Strong project will continue through Spring of 2016. Discussion as to PSE&G paving only half the roads ensued along with areas in which the roads and curbs have been damaged by the project. Mr. Murphy suggested that he and Mr. Karcz do a review of the areas to identify damage. Mr. Murphy advised that he has not yet reviewed the entire Water Tank Inspection report but will shortly. Mr. Murphy discussed the bids and pre-construction meeting for Pump Station # 6 and some technical aspects of the project. He spoke about some final punch list items from the 2014 Road Program. The contractor has requested final payment and he has denied them until work is complete. Mr. Murphy reported that he had a conversation with Mr. Lovas from NJ DOT and advised to do Boulevard Section 8 & 9 and as much of Section 10 as we can. The Borough should then file an application for the balance of Section 10. Mr. Murphy agrees with that recommendation. We will need to revise the plans, re-advertise the project and award the bid. The Mayor and Council discussed creating a Phase 1 and a Phase 2 of the project to address the portion of the roads which are in need of repair and agreed to same. Mr. Murphy reported on stripping and other punch list items for Iozia Terrace, Franklin Street and Court Street. Bids are to be accepted next Thursday, August 13, 2015 for the 2015 Road Program.
- b. **Recreation Advisory Board Recommendation for 2015 Open Space Grant** - Mr. Kazmark advised that the Recreation Advisory Board concurs with this application being made for Cherry Hill Park. The improvements will include playground equipment, curbs, rubber flooring and possible lighting. Mr. Murphy will discuss the lighting with Mrs. Puglisi. The total cost is approximately \$149,000. The matching funds would come from the Recreation Trust Fund. That amount would be reduced should the lighting be removed from the project.
- c. **Request for Flood Plain Manager** – The Mayor and Council reviewed the letter from Mr. Siller of Riverfront, LLC and after some discussion chose to appoint Richard Bolan as the Municipal Floodplain Manager. Mr. Kazmark will discuss a stipend for Mr. Bolan.
- d. **Bid Tabulation for English Avenue Park** – The Mayor & Council requested a resolution to award the bid for the August 20, 2015 public meeting.

2 – Proposals for the All Purpose Room – Mr. Kazmark again presented the three quotes for improvements to the All Purpose Room. After some discussion the Mayor and Council directed Mr. Kazmark to have Mr. Riggitano award the job to Vinnie Builders in the amount of \$25,600.

3 – **Resignation letter from Michele Steepy from the Board of Health** – The Mayor advised that he will waive his right to nominate someone for this vacancy. The majority will now be able to submit a name to the Municipal Clerk for appointment at the August 20, 2015 public meeting.

4 – **RESOLUTIONS:**

- a. **Appoint 2015-2016 Crossing Guards**
- b. **Retire Club Liquor License – Defender Company 3 VFD Inc.**
- c. **Request to use All Purpose Room & Council Chambers for meeting purposes – North Jersey Community Center for the Deaf**
- d. **Recreation Department Refund Requests**
 1. **Malkowski - \$75.00 – Wrong Program**
 2. **Todorovski - \$175.00 – Summer Camp**
 3. **Sisodiya - \$250.00 – Spring Soccer**
- e. **Requests to Release Road Opening Performance Bond**
 1. **205 Route 46 – Permit # 08-206 - \$700.00**
 2. **15 Jan Court – Permit #13-051, 13-052, 13-053 & 13-054 - \$2,800.00**
 3. **47 Phillip Avenue – Permit #10-047, 10-048, 10-049 & 10-050 - \$2,800.00**
 4. **Market Street & River Drive – Permit #14-187 - \$700.00**
 5. **193 Lincoln Avenue – Permit # 13-193 & 13-194 - \$2,800.00**
 6. **33 Orchard Street – Permit # 385-14, 386-14 & 387-14 - \$2,100.00**

The Mayor and Council requested resolutions for all the above listed matters for the August 20, 2015 Public Meeting.

5 – **ORDINANCES:**

- a. **Fire Prevention** – Mr. Kazmark explained the letter sent from Fire Official D’Arco. Mr. Kazmark will set up a meeting with Mr. D’Arco and Mr. Randazzo to amend the ordinance and provide a draft of the changes at the next work session.

6 – **DEPARTMENTAL REPORTS:**

- a. **Building Department Reports – January to June 2015** – Accepted without discussion
- b. **Municipal Court Report – June 2015** – Accepted without discussion
- c. **Library Board Minutes – June 15, 2015** – Councilman Vuoncino asked about the Library Board minutes and whether the Borough Attorney has reviewed the correspondence from the Library Board Attorney as to who owns the building. This is something Council President Dombrowski requested the Borough Attorney do at the Library Board meeting and is contained in these minutes. Councilman Vuoncino asked for a joint meeting with the Library and explained his reasons for his request.
- d. **Recreation Department Report – July 2015** – Accepted without discussion
- e. **Finance Department Report – July 2015** – Accepted without discussion

7 – **COMMITTEE REPORTS:**

Councilman Pettigano reported progress.

Councilman Vuoncino asked about striping at the monument area on Molnar Drive. He further reported about an e-mail he received regarding the Borough being removed from NJSEM and has worked with Mr. Riggiano and his staff. Mr. Radazzo advised that it has been corrected.

Councilman Caramagna reported that the schools have installed bomb proof glass for safety reasons and other improvements at the schools.

Councilman Martino reported that the windows at 16th Avenue School are all new.

Councilman Colletti reported progress.

Mayor Mola reported that the painting here in the Caucus Room was given to us by the TD Bank which has closed on Boulevard.

8 – **EXECUTIVE SESSION:**

WHEREAS, the Open Public Meetings Act P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

Shared Service Agreement – Passaic Valley Water Commission
Litigation – Buonanno vs Borough of Elmwood Park

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT RESOLVED, that the public be excluded from this meeting.

A motion was made by Councilman Martino and seconded by Councilman Vuoncino to enter into Executive Session. Motion carried by the members present.

Shared Service Agreement – Passaic Valley Water Commission
Litigation – Buonanno vs Borough of Elmwood Park

A motion was made by Councilman Pettigano and seconded by Councilman Colletti to return to the public session. Motion carried by the members present.

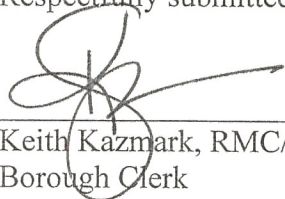
The meeting was reconvened at 8:07 p.m.

Council Members Colletti, Martino, Pettigano, Vuoncino and Caramagna were present. Also present were Mayor Mola, Borough Clerk Keith Kazmark, Borough Attorney Giuseppe Randazzo, and Borough Engineer Nordan Murphy. Council President Dombrowski was absent due to vacation.

9 – Liquor License Transfer Hearing – Borough Clerk Keith Kazmark discussed the filing of a place-to-place transfer for the liquor license owned by Somras Inc. also known as M & M Liquors. M & M Liquors is currently located on Midland Avenue and desires to relocate to Market Street where the prior tenant was Mandeas. Borough Clerk Kazmark further discussed that since the date of filing of the application, his office has received two objections to the place-to-place transfer based on the proposed site being within 500 feet of another liquor license. He stated that Foodmart is represented by Stephen Scipione, Esq. which is located by the Dunkin Donuts located on Market Street. He further stated the second letter of objection was received by the liquor license owner from Birchwood Liquor & Deli. John Feczko Esq., the attorney for Somras, Inc. stated the desire to expand the business and issues with the current landlord. He further discussed the current landlord only offering a month to month lease and a 50% rent increase. Mr. Feczko discussed the difference of the distance from the Borough which is 500 feet while the State requirement is 200 feet. Mr. Feczko pointed out that the current ordinance dates back to 1969 and that many changes have taken place in the Borough over that time period. Mr. Feczko then discussed the other liquor licenses in the Borough that are within 500 feet of another liquor license. Mr. Feczko stated that the current location is a hardship for Somras, Inc. based on the building having various leaks and does not allow for expansion as Mr. Patel wishes to pursue. Borough Clerk Kazmark then read a letter that Somras, Inc. received from Mr. Bolan regarding the Building Departments requirements if they were to relocate to the Market Street location. Borough Clerk Kazmark stated that Mr. Stephen Scipione, Esq. represents the owner of Foodmart which is located by the Dunkin Donuts on Market Street. Mr. Scipione stated that allowing the transfer will be a hardship on his client. He stated he the ordinance does not allow a waiver of the distance based on hardship, and feels that he can find another location within the Borough. Councilman Martino asked for clarification of the 1969 ordinance from Borough Attorney Randazzo. Mr. Randazzo stated he does not know why at the time the Mayor and Council enacted this ordinance. He further stated that the only distance requirement for the State is that a liquor license cannot be within 200 feet of a house of worship or a school. Borough Clerk Kazmark discussed the amount of liquor licenses held in the Borough and the size of the town. He further discussed what limited areas allow for a liquor establishment. The Council may see an increase in objections in the future and he also mentioned that on the only distance requirements mandated by the State are houses of worship and schools. He also stated that licenses can only be used within the Borough and cannot cross over the border into an adjoining town. Bharati Patel, the owner of Foodmart, and Pratiksha Patel, owner of the liquor license at Birchwood Liquors & Deli stated the transfer of Somras, Inc. to Market Street would hurt their businesses. Bharati Patel suggested that Somras, Inc. find a location on Route 46, however Mr. Sam Patel, owner of Somras, Inc. stated that due to the amount of liquor licenses on Route 46, he would be within the 500 feet distance of multiple licenses and also there is not a location that is large enough to fulfill his needs. Mayor Mola inquired as to what other locations Somras, Inc. looked into as possible locations. Mr. Patel, owner of Somras, Inc. stated he started looking into other locations upon receiving notification from his landlord regarding his rental space. Discussion ensued to the ordinance and the need to update it. The Mayor asked for a list of other locations. At this time the liquor license holders excused themselves. Discussion then ensued to removing the ordinance, which would then put in place the State statute that restricts opening an establishment within 200 feet of a house of worship or a school. Borough Clerk Kazmark stated the options before the council are to rescind the ordinance or pass a resolution waiving the distance restriction. Councilman Pettigano stated he feels the ordinance should be rescinded. Councilman Colletti requested more time to decide. Borough Attorney Randazzo stated he feels the ordinance should be rescinded because otherwise the Borough may be opened up for a lawsuit in the future. Discussion ensued as to a special work session being held on August 20, 2015 after the Regular Meeting.

A motion was made by Councilman Pettigano and seconded by Vuoncino to adjourn. Motion carried by the members present.

Respectfully submitted,



Keith Kazmark, RMC/CMC/MMC
Borough Clerk

Minutes approved at the August 20, 2015 Regular Meeting of the Mayor and Council